

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION**

**UNITED STATES OF AMERICA**

**VERSUS**

**CRIMINAL ACTION NO. 3:08CR63**

**DALIANA MENELEE**

**ORDER**

This cause is before the Court on defendant Menefee's Motion for Continuance [57]. The Court, having reviewed the motion and being otherwise fully advised in the premises, finds as follows, to-wit:

The defendant seeks a continuance of the trial set to commence on February 9, 2009. In support of the motion, defense counsel avers the parties' intention to utilize a polygraph examination in an effort to resolve the case against defendant Menefee without need of a trial. The parties experienced unforeseen delays in arranging the services of a polygraph examiner; said examination is now scheduled for the week of February 2, 2009. The parties continue to be of the belief that the results of the examination will aid in resolution of the case without need of trial. Accordingly, the defendant seeks a brief continuance to facilitate those efforts. Counsel for the government has no objection to the requested relief. Based on the foregoing, the Court finds that the defendant's motion is well-taken and should be granted.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. § 3161(h)(7)(A), the period of delay from February 9, 2009 until the new trial date to be set in this matter. The time is excludable under subsection (h)(7)(A) because, given the circumstances

described above, a continuance is necessary to afford defendant a reasonable time for adequate and effective preparation of her defense. Therefore, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS, THEREFORE, ORDERED AND ADJUDGED that

1. Defendant Menefee's Motion for Continuance of Trial Setting [57] is GRANTED;
2. That the trial of this matter is continued until Monday, March 9, 2009 at 9:00 a.m.  
in the United States District Courthouse in Greenville, Mississippi;
3. That the delay from February 9, 2009 until March 9, 2009 is excluded as set out  
above;
4. That the deadline for filing pretrial motions is February 16, 2009;
5. That the deadline for submitting a plea agreement is February 23, 2009.

SO ORDERED, this the 3<sup>rd</sup> day of February, 2009.

/s/ W. Allen Pepper, Jr.  
W. ALLEN PEPPER, JR.  
UNITED STATES DISTRICT JUDGE